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May 14, 2008

VIA ECF

Honorable Debra Freeman
United States Magistrate Judge
500 Pearl Street
New York, New York 10007

Re: Moton v. City of New York
Docket No. 07 CV 07581 (DLC) (DCF)
Our File No. 2039

Dear Judge Freeman:

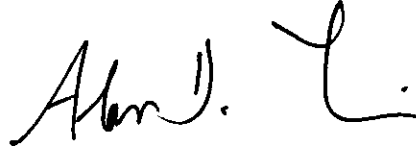
I am the attorney for the plaintiff in the above-referenced action. There is presently a settlement conference scheduled to be held before Your Honor at 2:00 P.M. on May 21, 2008. With the consent of the attorneys for the defendants, I am writing to request an adjournment of the conference.

The reason for my request is that plaintiff is not prepared to discuss settlement of this action until two very important pieces of information become available. The first is plaintiff's records from St. Luke's Hospital, which is where my client was initially treated for the injuries that he alleges he suffered in the assault that forms the basis of this action. My office has been endeavoring to obtain these records from St. Luke's Hospital for approximately five months. At the present time we are still not in possession of these records because of what we have been informed is some kind of miscommunication between St. Luke's Hospital's medical records section and the company that it uses to make copies of its records. We have been promised that we will receive these records in the very near future.

The second important missing quantum of information is the file of the New York City Police Department's Internal Affairs Bureau with regard to Mr. Moton's complaint regarding the incident that forms the basis for this action. I have been informed that the IAB investigation has either been concluded or is very close to conclusion, but, as of yet, the IAB file has not been provided to my office by the attorneys for the defendants. I believe they are not yet in possession of it either.

Thus, for the reasons enumerated hereinabove, I think it would be best if the Court could adjourn the settlement conference to a date during the week of June 23, 2008.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan D. Levine". The signature is fluid and cursive, with a large, stylized "L" at the end.

ALAN D. LEVINE

ADL/II

Katherine E. Smith, Esq.